

EXHIBIT F

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Bair Hugger Forced)
Air Warming Products)
Liability Litigation:)
)
) MDL No.: 15-2666
) (JNE/FLN)
This Document Relates To:)
)
All Actions.)
_____)

VIDEOTAPED DEPOSITION OF WILLIAM R. JARVIS, M.D.
San Francisco, California
Tuesday, July 25, 2017

BY: HEIDI BELTON, CSR, RPR, CRR, CCRR, CLR
CSR LICENSE NO. 12885
JOB NO. 124789

Page 6

1 of plaintiffs.

2 THE VIDEOGRAPHER: Will the court reporter

3 please swear in the witness and we can proceed.

4 (Whereupon, the witness, WILLIAM JARVIS, M.D.,

5 having been duly sworn, testified as follows:)

6 EXAMINATION

7 BY MR. C. GORDON:

8 Q. Good morning, Dr. Jarvis.

9 A. Good morning.

10 Q. We met briefly before. I'm Corey Gordon.

11 I represent 3M in this litigation.

12 My understanding is you have been hired by

13 the plaintiffs in the multi-district litigation

14 involving Bair Hugger to offer an expert report; is

15 that correct?

16 A. Correct.

17 (Exhibit 1 marked.)

18 BY MR. C. GORDON:

19 Q. I'd like to show you what I've marked as

20 Jarvis Exhibit 1 and ask you to confirm that that is

21 a copy of your expert report.

22 A. Looks like it.

23 Q. Okay. And you want to keep that in front

24 of you because we'll refer back to that from time to

25 time.

Page 7

1 Now, this is -- it doesn't appear to be

2 dated, but my understanding was that you would have

3 signed this or -- that this became your final report

4 somewhere around March 31, 2017; is that correct?

5 A. I believe that's correct.

6 Q. And on this Exhibit 1, starting at page --

7 well, I guess Attachment A. I'm sorry. That is

8 your curriculum vitae; is that right?

9 A. Yes, sir.

10 Q. And is that -- is that essentially

11 current? Is there anything that's changed since the

12 end of March that -- of note?

13 A. No.

14 Q. Okay. And in addition there's a -- I'm

15 looking for an Attachment B. That would be the list

16 of lawsuits in which you've given expert testimony

17 in the past four years. That's -- I think starts on

18 page 32 at the end. Is that -- is it correct?

19 A. Yes.

20 Q. And again since March 31, 2017, any

21 additions to this?

22 A. I believe there is [sic] two depositions.

23 Q. Do you remember the names of the cases or

24 just generally what they were about?

25 A. Both were methicillin-resistant

Page 8

1 Staphylococcus aureus infections.

2 Q. Were you offering expert opinions on

3 behalf of the plaintiffs in those cases?

4 A. Yes.

5 Q. Were they product liability cases medical

6 malpractice cases? How --

7 A. Medical malpractice.

8 MR. C. GORDON: We'll come back to your

9 report. But I just want to get some housekeeping

10 stuff out of the way.

11 (Exhibit 2 marked.)

12 BY MR. C. GORDON:

13 Q. Now the -- let me show you what's been

14 marked as Exhibit 2 which is a set of invoices. I

15 will just go through them. These were provided to

16 me by Mr. Ben Gordon and Exhibit 2 should contain

17 invoices from April 13, 2016; May 11, 2016; May 21,

18 2016; August 4, 2016; December 28, 2016; March 18,

19 2017; and March 23, 2017?

20 A. Yes, sir.

21 Q. Okay. Let's start with the beginning.

22 Is -- would the April 13, 2016 be your -- the very

23 first invoice for any work you've done in connection

24 with the Bair Hugger litigation?

25 A. I believe that's correct.

Page 9

1 Q. And this meeting or this invoice reflects

2 a meeting in Atlanta, Georgia on April 11 and 12 of

3 2016; is that correct?

4 A. That's correct.

5 Q. So that was your very first touch point,

6 if you will, with this litigation?

7 A. I'm not sure what you mean by "touch

8 point."

9 Q. Obviously you had --

10 A. That was the first meeting --

11 Q. Yes --

12 A. -- but we had conversations before this.

13 Q. When you say "we," what -- with whom did

14 you have conversations prior to April 11 and 12,

15 2016?

16 A. I couldn't tell you everyone, but

17 certainly Mr. Gordon.

18 Q. Mr. Ben Gordon?

19 A. Yes.

20 MR. B. GORDON: Not Mr. Corey Gordon?

21 MR. C. GORDON: It's going to confuse the

22 heck out of me if --

23 THE WITNESS: Mr. Ben Gordon.

24 MR. C. GORDON: The good-looking one. Let

25 the record reflect the good looking one -- I don't

3 (Pages 6 to 9)

1 articles listed on Exhibit 3 you may have reviewed
2 after your report; is that right?

3 A. Correct.

4 Q. Are there any articles that you reviewed
5 after you issued your opinion that in any way made
6 you think well, gee, if I had been aware of this
7 before I issued my opinion, I would have maybe
8 changed a conclusion or at least noted some
9 disagreement?

10 A. I don't think so.

11 Q. One of the conclusions -- well, strike
12 that.

13 Beginning on the bottom of page 14 of your
14 report, Exhibit 1, you talk about airborne
15 particulates and CFUs; is that right?

16 A. Yes.

17 Q. And you quote -- or you -- you cite to
18 five different papers there; right?

19 A. Correct.

20 Q. And you say, "Cumulatively these studies
21 show that airborne particle counts and microbial
22 CFUs can be elevated near or at the operative
23 incision site and that activities that increase the
24 particle counts, microbial CFUs increase the risk of
25 SSI." Correct?